

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held June 15, 2010 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

PRESENT:

John T. Auberger	Supervisor
Shannon J. O'Keefe	Councilwoman
Robert J. Bilsky	Councilman
Andrew J. Conlon	Councilman
Kirk A. Morris	Councilman

Patricia W. Anthony, Town Clerk
Raymond DiRaddo, Town Attorney

ABSENT:

None

Following the roll call of officers, Supervisor Auberger opened the meeting with the Pledge of Allegiance, led by Councilman Conlon, and Moment of Prayer offered by Pastor Herb Lawrence of Lakeshore Community Church.

Oath of Office administered By Chief Baxter to Duane Palma and Kevin Klump – Police Officers.

Public Forum:

No one spoke.

#177 - Councilwoman O'Keefe offered the following resolution and moved its adoption:

RESOLVED, that this Town Board approve 2010 budget modifications to various accounts;
and

BE IT FURTHER

RESOLVED, that a complete list has been given to each Town Board Member and will appear in the minutes of record.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

#178 - Councilman Bilsky offered the following resolution and moved its adoption:

RESOLVED, that this Town Board approve the following contracts:

- **Community & Senior Center:** Institute for Environmental Learning, Inc., Jumping Joey's, LLC., Wendy Cooper (Healthy Highway)
- **Library:** Seneca Park Zoo Society, David & Kathleen Jeffers, Fabulous Flowers.
- Blue Ribbon Carpet Cleaning for an additional one-year period – June 20, 2010 through June 19, 2011.
- Monroe County Office of the Aging for the nutrition program at the Community & Senior Center for 2010.
- Proway Management Corp. for limited lead-based inspection and clearance testing services for the Greece Residential Improvement Program.
- Sign Language Inc., to provide handcrafted signs for various Town park locations;
and

BE IT FURTHER

RESOLVED, that the Supervisor is authorized to execute all necessary documents.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

#179 - Councilman Conlon offered the following resolution and moved its adoption:

WHEREAS, this Board has previously resolved to invite sealed bids for electrical Repair/Replacement Services for Various Town Facilities; and

WHEREAS, on Wednesday, June 9, 2010, the following bids were received:

BIDDERS NAME

AMOUNT

O'Connell Electric

\$68.40 per hour
\$90.30 (time and a half) per hour after
eight hours per day and Saturdays for
emergency service
\$112.20 per hour Sundays and
holidays (double time)

NOW, THEREFORE, be it

RESOLVED that this Town Board award the bid for Electrical Repair/Replacement Services for Various Town Facilities to the low bidder, O'Connell Electric, 830 Phillips Road, Victor, New York 14564, in the amount of \$68.40 per hour, \$90.30 (time and a half) per hour after eight hours per day and Saturdays for emergency service \$112.20 per hour Sundays and holidays (double time); and

BE IT FURTHER

RESOLVED, that the Supervisor is authorized to enter into a contract with O'Connell Electric Company.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

#180 - Councilman Morris offered the following resolution and moved its adoption:

RESOLVED, that this Town Board authorize the extension of an agreement with New York State to change the estimated expenditure for the Snow & Ice Agreement for 2009-2010, to include the payment of an additional \$39,166.85 to the Town of Greece, because of the severity of the winter.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

#181 - Councilwoman O'Keefe offered the following resolution and moved its adoption:

RESOLVED, that this Town Board declare office equipment from the Department of Public Works as scrap; and

BE IT FURTHER

RESOLVED, that a complete list has been given to the Town Board members, and will appear in the minutes of record.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

#182 - Councilman Bilsky offered the following resolution and moved its adoption:

RESOLVED, that this Town Board accept a donation of forty-three (43) mailboxes, with an estimated value of \$125.00, from the Wegman Family LLC.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

#183 - Councilman Conlon offered the following resolution and moved its adoption:

WHEREAS, this Board has previously resolved to invite sealed bids for Installation of an Asphalt Overlay at Basil Marella Park for Two Tennis Courts; and

WHEREAS, on Wednesday, June 9, 2010, the following bids were received:

BIDDERS NAME

AMOUNT

Ruston Paving Company, Inc.

\$19,268.00

NOW, THEREFORE, be it

RESOLVED that this Town Board award the bid for Installation of an Asphalt Overlay at Basil Marella Park for Two Tennis Courts to the sole bidder, Ruston Paving Co., Inc., 6228 Collett Road, Farmington, New York, 14425, in the amount of \$19,268.00; and

BE IT FURTHER

RESOLVED, that the Supervisor is authorized to enter into a contract with Ruston Paving Company, Inc.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

#184 A - Councilman Bilsky offered the following resolution and moved its adoption:

RESOLVED, that this Town Board reject all bids submitted for Color Seal Coating for Two Basketball Courts, Two Tennis Courts and the Skate Park Located at Basil Marella Park.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

#184B - Councilman Bilsky offered the following resolution and moved its adoption:

RESOLVED, that, pursuant to the requirements of Section 103 of the General Municipal Law, sealed bids will be received at the Town Clerk's Office, Town of Greece, One Vince Tofany Boulevard, Rochester, New York 14616, until 3:00 p.m., July 7, 2010, at which time they will be publicly opened and read aloud for the following:

**COLOR SEAL COATING FOR TWO BASKETBALL COURTS,
TWO TENNIS COURTS AND THE SKATE PARK
LOCATED AT BASIL MARELLA PARK**

All bids must be endorsed with the title of the purchase to which they relate, the name and address of the bidder, and shall be in conformity with the bidding sheets and specifications, which will be furnished by the Town Clerk and are now available; and be it further

RESOLVED that the Town Clerk hereby is designated to open any bids received at said time and place, and to make a record of such bids, and to present the same at the next regular or special meeting of this Board, immediately following said bidding; and be it further

RESOLVED that the Town Board reserves the right to reject any and all bids received.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

#185 - Councilman Morris offered the following resolution and moved its adoption:

RESOLVED, that this Town Board authorize the installation of the following signs, as recommended by the Traffic Advisory Committee:

- Reduced speed limit for the Applegrove Gardens Subdivision, which includes Applegrove Drive, Spring Tree Lane, Castle Grove Drive, Groveview Circle and Hillbridge Drive; and further, authorization for an "Area Speed Limit 30 MPH" sign to be installed on Applegrove Drive just south of Latta Road.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

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#186 - Councilwoman O'Keefe offered the following resolution and moved its adoption:

RESOLVED, that this Town Board approve the following signs:

- "Deaf Child" signs at 91 Floren Drive
- Establishment and posting of a no parking zone across the frontage of the Monroe County Water Authority facility on Edgemere Drive.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

#187 - Councilman Morris offered the following resolution and moved its adoption:

RESOLVED, that this Town Board approve the following street parties:

- Cindy Lane
 #60 to #116
 Saturday, July 31, 2010
 2:00 p.m. to midnight
- Albury Collenton Neighborhood
 Saturday, August 7, 2010
 10:00 a.m. to 10:00 p.m.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

#188 - Councilman Bilsky offered the following resolution and moved its adoption:

RESOLVED, that this Town board approve the following events:

- 15th Annual Run for Hospice
 10 Mile Road Race
 5K Race and 5K Fitness Walk
 Saturday, October 16, 2010 at 8:45 a.m.
 Grace and Truth Sports Park
 373 North Greece Road through a portion of Greece
- 2010 Tour de New York
 Saturday, August 7, 2010-Thursday, August 11, 2010
 (In portions of Greece August 8, 2010)
- Grandview Beach 4th of July Parade
 July 4, 2010

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

#189 - Councilman Conlon offered the following resolution and moved its adoption:

RESOLVED, that this Town Board approve a permit for Nothnagle Enterprises, Inc., 1821 Scottsville-Mumford Road, Scottsville, New York, 14546, to discharge explosives, pursuant to Local Law, for a period of sixty days from the date of approval.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

#190 - Councilman Morris offered the following resolution and moved its adoption:

WHEREAS, a petition for an extension of Sanitary Sewer District No. 1 of the Town of Greece, to be known as Extension No. 532-7 (Mill Road from Visca Lane to North Greece Road) thereof, said petition being dated and acknowledged the 22th day of February, 2010, was duly presented to this Board together with the associated map and plan; and

WHEREAS, the improvements proposed consist of the erection, construction and maintenance of an extension to a sewerage system to service the said extension including lateral sewers and all incidental equipment, including the acquisition of the necessary lands and right of way therefore, in accordance with certain plans made a part of such petition and heretofore adopted by the Board and now on file in the Office of the Clerk of said Town; and

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WHEREAS, the maximum amount proposed to be expended for the improvement as stated in said petition is the sum of \$210,000, none of which is to be borne by the Town of Greece as all costs are to be borne by the property owner; and

WHEREAS, the Town Board of the Town of Greece, pursuant to Resolution #138B dated April 13, 2010, has submitted an application to the Office of the New York State Comptroller for permission to extend Sanitary Sewer District No. 1 to include extension 532-7, and

WHEREAS, the Town Board of the Town of Greece has authorized the Supervisor to execute an application

NOW, THEREFORE IT IS

RESOLVED AND DETERMINED that:

- A. The application dated April 15, 2010 for Extension 532-7 was prepared at the direction of the Greece Town Board;
- B. The Greece Town Board believes the contents of the application submitted and dated April 15, 2010 to be accurate;
- C. The Greece Town Board determines that Extension 532-7 and the expenditure for which permission is sought is in the public interest and will not constitute an undue burden on the properties that will bear the cost of such improvements;
- D. The Greece Town Board determines that the costs of the proposed improvement of Extension 532-7 are to be assessed in whole against the properties within the area of Extension 532-7;
- E. It is further determined that all real property within Extension 532-7 that will be assessed will be benefited by the proposed Extension 532-7, and no benefited property has been excluded; and

BE IT RESOLVED, that based on the information provided to this Board, and the testimony presented before it during the public hearing held on April 15, 2010, it is in the best interest of the property owners benefitted to extend Sanitary Sewer District, No. 1, to include Extension 532-7; and

BE IT FURTHER

RESOLVED, that the establishment of the extension in said district be approved; that the improvement therein mentioned be constructed and the service therein mentioned be provided for upon the required funds being made available or provided for; and that such extension shall be designated and known as Extension No. 532-7, Sanitary Sewer District No. 1, and shall be bounded and described in the map and legal description on file in the Town Clerk's Office

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

#191 - Councilman Bilsky offered the following resolution and moved its adoption:

RESOLVED, that this Town Board authorize the Supervisor to sign and execute a "Permission to Proceed" document with Unity Health.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

#192 - Councilman Conlon offered the following resolution and moved its adoption:

BE IT RESOLVED, that the Town Board of the Town of Greece hereby establishes the following as standard work days for elected and appointed officials; and

BE IT FURTHER

RESOLVED, that the Town Clerk will report the following days worked to the New York state and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Town Clerk.

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Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/ Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Elected Officials							
Supervisor	John Auberger			7	1/1/2010-12/31/2013	N	20.00
Receiver of Taxes	Kathleen Taylor			7	1/1/2010-12/31/2013	N	20.00
Councilwoman	Shannon O'Keefe			7	1/1/2010-12/31/2011	N	6.35
Councilman	Robert Bilsky			7	1/1/2010-12/31/2011	N	3.57
Councilman	Andrew Conlon			7	1/1/2010-12/31/2011	N	7.09
Councilman	Kirk Morris			7	1/1/2010-12/31/2011	N	7.40
Appointed Officials							
Town Attorney	Raymond DiRaddo			7	1/31/2005	N	13.05
Town Attorney	Christopher Schiano			7	1/19/2004	N	2.26
Zoning Board Member	Diana Christodaro			7	1/1/2009-12/31/2011	N	.47
Zoning Board Member	Randy Jensen			7	3/18/2009-12/31/2010	N	.67
Zoning Board Member	John J. Riley			7	1/1/2010-12/31/2012	N	.42
Town Justice	Vincent Campbell			7	1/1/2010	N	20.00
Town Justice	Charles Schiano			7	1/1/2010	N	18.11
Town Justice	Gino Nitti			7	1/1/2010	N	16.85

BE IT FURTHER

RESOLVED, that this Town Board recommend the standard work day to be seven (7) hours for all elected and appointed officials in the Town of Greece, solely for retirement reporting purposes. These positions include Town Supervisor, Receiver of Taxes, Town Board members, Town Justices, Town Attorney, Deputy Town Attorney, Assistant Town Attorney, Planning, Zoning and Environmental Board members.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
Nays 0

#193 - Councilman Morris offered the following resolution and moved its adoption:

RESOLVED, that this Town Board authorize the Supervisor to enter into a cooperative agreement with the Monroe County Soil & Water Conservation District.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
Nays 0

#194 - Councilwoman O'Keefe offered the following resolution and moved its adoption:

RESOLVED, that this Town Board reappoint Tom Wallenhorst and Jackie Moll to the Greece Tree Council for an additional three-year term; and

BE IT FURTHER

RESOLVED, that the terms will expire June 18, 2013.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
Nays 0

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#195A - Councilman Bilsky offered the following resolution and moved its adoption:

WHEREAS, Yu Feng Huang and Jun Xing Chen (the "Project Sponsors") have submitted a request to the Town Board of the Town of Greece, Monroe County, New York (respectively, the "Town Board" and the "Town") for a special use permit to operate a restaurant, to be known as Kobe Japanese Hibachi & Sushi Restaurant, on property located at 2496 West Ridge Road, in a BR (Restricted Business) Zoning District; and

WHEREAS, having considered carefully all relevant documentary, testimonial, and other evidence submitted, the Town Board makes the following findings:

1. In summary, the Project Sponsors' proposal (the "Proposal") is to operate a restaurant in existing tenant space located at a multiple-tenant commercial plaza (the "Premises"). The Proposal includes preparation, service, and sale of hot and cold foods (principally traditional Japanese cuisine) for consumption on the Premises and for takeout, and alcoholic and nonalcoholic beverages. Although alcoholic beverages will be offered for consumption as an accompaniment to meals, the Project Sponsors' representative has testified that such beverages would be prepared and served from a service bar that has few, if any, seats. The Proposal does not include live entertainment; outdoor loudspeakers; outdoor seating; outdoor cooking or service of food or beverages; delivery service; or a drive-up service window. The Proposal does not include sponsorship of, affiliation with, permission for, or participation in one-time or recurring special or promotional events outdoors on the Premises. Vehicular access for the Premises is via non-signalized driveways at West Ridge Road (New York State Route 104, a seven-lane highway) and Mitchell Road (Monroe County Route 261, a two-lane highway). The proposed hours of availability to the public are: Sundays through Saturdays, 11:00 a.m. to 10:00 p.m.
2. Upon review of the application, the Town Board determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(2) of the SEQRA Regulations).
3. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned information, documentation, testimony, and findings, SEQRA does not require further action relative to the Proposal

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

#195B - Councilman Bilsky offered the following resolution and moved its adoption:

WHEREAS, Yu Feng Huang and Jun Xing Chen (the "Applicants") have submitted a request to the Town Board of the Town of Greece, Monroe County, New York (respectively, the "Town Board" and the "Town") for a special use permit to operate a restaurant, to be known as Kobe Japanese Hibachi & Sushi Restaurant, on property located at 2496 West Ridge Road, in a BR (Restricted Business) Zoning District; and

WHEREAS, the Town Board makes the following findings:

1. In summary, the Applicants' proposal (the "Proposal") is to operate a restaurant in existing tenant space located at a multiple-tenant commercial plaza (the "Premises"). The Proposal includes preparation, service, and sale of hot and cold foods (principally traditional Japanese cuisine) for consumption on the Premises and for takeout, and alcoholic and nonalcoholic beverages. Although alcoholic beverages will be offered for consumption as an accompaniment to meals, the Applicants' representative has testified that such beverages would be prepared and served from a service bar that has few, if any, seats. The Proposal does not include live entertainment; outdoor loudspeakers; outdoor seating; outdoor cooking or service of food or beverages; delivery service; or a drive-up service window. The Proposal does not include sponsorship of, affiliation with, permission for, or participation in one-time or recurring special or promotional events outdoors on the Premises. Vehicular access for the Premises is via non-signalized driveways at West Ridge Road (New York State

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Route 104, a seven-lane highway) and Mitchell Road (Monroe County Route 261, a two-lane highway). The proposed hours of availability to the public are: Sundays through Saturdays, 11:00 a.m. to 10:00 p.m.

2. Proof was had of the notice of a public hearing on a resolution proposing to permit the Applicant to operate said restaurant.
3. On May 18, 2010 at 6:30 p.m. in the Greece Town Hall, 1 Vince Tofany Boulevard, the Town Board held a public hearing (the "Hearing") to consider the Proposal, at which time all persons and organizations in interest were heard.
4. Documentary, testimonial, and other evidence relative to the Proposal were presented at the Hearing for the Town Board's consideration.
5. At the conclusion of the Hearing, the Town Board closed the Hearing and reserved decision on the Proposal.
6. On May 18, 2010, the Town's Board of Zoning Appeals granted an area variance for the number of parking spaces on the Premises.
7. Based on the Town Board's review of relevant documentary, testimonial, and other evidence, the location, nature, duration, and intensity of the Proposal: (a) will not adversely affect the orderly pattern of development in the area; (b) will be in harmony with nearby uses; (c) will not alter the essential character of the nearby neighborhood, nor be detrimental to the residents thereof; (d) will not create a hazard to health, safety, or the general welfare; (e) will not be detrimental to the flow of traffic; and (f) will not place an excessive burden on public improvements, facilities, services, or utilities.
8. Access to the Premises and the size and shape of the Premises are adequate for the Proposal.
9. Having considered the Proposal and all additional information that may be relevant to the Proposal, it is in the public interest to grant the requested waiver of the requirements to obtain a new special use permit.
10. The Applicants have notified the Town Board of its intention to file an application for an on-premise liquor license at the Premises.

NOW THEREFORE, be it

RESOLVED that the Town Board has no objection to the Applicants' application for an on-premise liquor license at the Premises and hereby waives the 30-day notification requirement for such application.

AND BE IT FURTHER

RESOLVED that, based on the aforementioned information, testimony, documentation, and findings, pursuant to the authority conferred by New York State Town Law, Article 16, the request submitted by Yu Feng Huang and Jun Xing Chen (the "Applicants") for a special use permit to operate a restaurant, to be known as Kobe Japanese Hibachi & Sushi Restaurant, on property located at 2496 West Ridge Road, in a BR (Restricted Business) Zoning District, hereby be and the same is approved and granted, subject to the following conditions:

1. The Applicants shall operate this restaurant in conformity with all details of the Proposal as presented in the written descriptions and site development plans of the Proposal, as orally described at the Hearing, and as set forth herein. In the event of any conflict among the oral or written descriptions of the Proposal, the site development plans for the Proposal, or the requirements or restrictions of this resolution, the Town Board, in its sole discretion and judgment and without public hearing, shall determine the resolution of such conflict.
2. The Applicants shall comply with all requirements of the *Code of the Town of Greece, New York*, Chapter 211 (the Town's zoning ordinance), or any variance granted therefrom, relative to number, size, height, and location of signs. Failure to comply with such requirements may be grounds for revocation of this special use permit.
3. The maximum occupancy in this restaurant shall be the limits established by the Town's Fire Marshal pursuant to the *Building Codes of New York State*.

4. The Applicants shall comply with all applicable federal, state, county, and town laws, ordinances, codes, rules, and regulations, including but not limited to the *Building Codes of New York State* and all applicable requirements for the installation/maintenance of a grease trap. Failure to comply with such requirements may be grounds for revocation of this special use permit.
5. The Applicants shall not use any of the Premises for any adult bookstore, adult cabaret or adult entertainment establishment as such terms are defined by the Town's zoning ordinance; any illegal, unlawful, or lewd and lascivious activity; or for the sale or display of pornographic materials. Failure to comply with this requirement may be grounds for revocation of this special use permit.
6. Within 6 months, 12 months, 18 months, and 24 months of the date of this approval and annually thereafter, the Town Board or its designee may review, without public hearing, the operation of this restaurant and its compliance with the terms and conditions of this special use permit.
7. The Town Board may revoke this special use permit pursuant to the provisions in the *Code of the Town of Greece, New York*, Chapter 211 (the Town's zoning ordinance), if the Town Board determines, in its sole discretion and judgment, that it has received sufficient complaints and other evidence that the Applicants have failed to operate this restaurant in conformity with the terms and conditions of this special use permit.
8. Wherever this resolution refers to a specific applicant, developer, or operator, it shall be construed to include successors and assigns.
9. Wherever this resolution refers to a specific public official or agency, it shall be construed to include successors and assigns.
10. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any succeeding or superseding authority.
11. Upon the sale or other transfer of controlling interest in this restaurant to any person or entity other than Yu Feng Huang or Jun Xing Chen, their wholly owned subsidiaries, or their franchisees, a new application for a special use permit must be submitted to the Town Board.

ADOPTED Ayes 5 Auberger, O'Keefe, Conlon, Helfer, Morris
 Nays 0

#196A - Councilman Conlon offered the following resolution and moved its adoption:

WHEREAS, Rare Hospitality International, Inc. (the "Project Sponsor") has submitted a request to the Town Board of the Town of Greece, Monroe County, New York (respectively, the "Town Board" and the "Town") for a special use permit to operate a restaurant, to be known as Longhorn Steakhouse, on property located at 1877 West Ridge Road, in a BG (General Business) Zoning District; and

WHEREAS, having considered carefully all relevant documentary, testimonial, and other evidence submitted, the Town Board makes the following findings:

1. In summary, the Project Sponsor's proposal (the "Proposal") is to construct and operate a new restaurant at a freestanding site that previously was used for an automotive sales dealership (the "Premises"). The Proposal includes the preparation, service, and sale of hot and cold foods (such as full lunches and dinners, salads, desserts, etc.), for consumption on the Premises and for takeout, and alcoholic and nonalcoholic beverages. Although the Proposal includes a bar and the preparation, service, and sale of alcoholic beverages, the Project Sponsor has testified that these are incidental, secondary, and subordinate elements of the Proposal. For example, of the 204 total proposed seats included in the Proposal, only 14 (7 percent) are located at the bar. Although the bar area contains an additional 38 seats at tables, those seats and tables principally are for dining. In addition, the Project Sponsor's representative has testified that revenues from the sale of alcohol at other restaurants in this chain typically constitute less than 10 percent of total revenues. The Proposal does not include live entertainment; outdoor loudspeakers; outdoor seating; outdoor cooking or service of food or beverages; delivery service; or a drive-up service window. The Proposal

does not include sponsorship of, affiliation with, permission for, or participation in one-time or recurring special or promotional events outdoors on the Premises. Vehicular access for the Premises is via non-signalized driveways at West Ridge Road (New York State Route 104, a seven-lane highway) and Latona Road (Monroe County Route 152, a two-to-four-lane highway). The proposed hours of availability to the public are: Sundays through Saturdays, 11:00 a.m. to 11:00 p.m.

2. Upon review of the Proposal, the Town Board determined that the Proposal is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the Proposal constitutes an Unlisted action under SEQRA.
3. On May 18, 2010 at 6:35 p.m. in the Greece Town Hall, 1 Vince Tofany Boulevard, the Town Board held a public hearing (the "Hearing") to consider the Proposal, at which time all persons and organizations in interest were heard.
4. Documentary, testimonial, and other evidence relative to the Proposal were presented at the Hearing for the Town Board's consideration.
5. The Town Board carefully has considered environmental information that was prepared by the Project Sponsor's representatives (collectively, the "Environmental Information"), which included, but was not limited to: a description of the Proposal; a Short Environmental Assessment Form; and conceptual site development plans.
6. The Town Board carefully has considered additional information submitted by the Project Sponsor's representatives, including, but not limited to: oral or written descriptions of the Proposal; maps of the Proposal; and various oral or written comments that resulted from telephone conversations, meetings, or written correspondence from or with the Project Sponsor's representatives.
7. The Town Board carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested agencies, including, but not limited to: the New York State Department of Transportation; the Monroe County Department of Transportation; the Monroe County Department of Planning and Development; the Monroe County Department of Public Health; the Town of Greece Planning Board; the Town of Greece Board of Zoning Appeals; the Town of Greece Environmental Board; and the Town's own staff.
8. The Town Board carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, and written correspondence from or with nearby property owners, and all other comments submitted to the Town Board as of June 15, 2010.
9. The Town Board has met the procedural and substantive requirements of SEQRA.
10. The Town Board carefully has considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
11. The Town Board carefully has considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Information.
12. The Town Board concurs with the information and conclusions contained in the Environmental Information.
13. The Town Board has made a reasoned elaboration of the rationale for arriving at its determination of environmental significance and the Town Board's determination is supported by substantial evidence, as set forth herein.
14. To the maximum extent practicable, potential adverse environmental impacts revealed in the environmental review process will be avoided or minimized by the Project Sponsor's voluntary incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Town Board's own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Town Board determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

#196B - Councilman Conlon offered the following resolution and moved its adoption:

WHEREAS, Rare Hospitality International, Inc. (the "Applicant") has submitted a request to the Town Board of the Town of Greece, Monroe County, New York (respectively, the "Town Board" and the "Town") for a special use permit to operate a restaurant, to be known as Longhorn Steakhouse, on property located at 1877 West Ridge Road, in a BG (General Business) Zoning District; and

WHEREAS, the Town Board makes the following findings:

1. In summary, the Applicant's proposal (the "Proposal") is to construct and operate a new restaurant at a freestanding site that previously was used for an automotive sales dealership (the "Premises"). The Proposal includes the preparation, service, and sale of hot and cold foods (such as full lunches and dinners, salads, desserts, etc.), for consumption on the Premises and for takeout, and alcoholic and nonalcoholic beverages. Although the Proposal includes a bar and the preparation, service, and sale of alcoholic beverages, the Applicant has testified that these are incidental, secondary, and subordinate elements of the Proposal. For example, of the 204 total proposed seats included in the Proposal, only 14 (7 percent) are located at the bar. Although the bar area contains an additional 38 seats at tables, those seats and tables principally are for dining. In addition, the Applicant's representative has testified that revenues from the sale of alcohol at other restaurants in this chain typically constitute less than 10 percent of total revenues. The Proposal does not include live entertainment; outdoor loudspeakers; outdoor seating; outdoor cooking or service of food or beverages; delivery service; or a drive-up service window. The Proposal does not include sponsorship of, affiliation with, permission for, or participation in one-time or recurring special or promotional events outdoors on the Premises. Vehicular access for the Premises is via non-signalized driveways at West Ridge Road (New York State Route 104, a seven-lane highway) and Latona Road (Monroe County Route 152, a two-to-four-lane highway). The proposed hours of availability to the public are: Sundays through Saturdays, 11:00 a.m. to 11:00 p.m.
2. Proof was had of the notice of a public hearing on a resolution proposing to permit the Applicant to operate said restaurant.
3. On May 18, 2010 at 6:35 p.m. in the Greece Town Hall, 1 Vince Tofany Boulevard, the Town Board held a public hearing (the "Hearing") to consider the Proposal, at which time all persons and organizations in interest were heard.
4. Documentary, testimonial, and other evidence relative to the Proposal were presented at the Hearing for the Town Board's consideration.
5. At the conclusion of the Hearing, the Town Board closed the Hearing and reserved decision on the Proposal.
6. On May 18, 2010, the Town's Board of Zoning Appeals approved an area variance for the front setback of the proposed building.
7. On May 19, 2010, the Town's Planning Board reviewed a concept plan for the Proposal, and did not express any objections to the proposed site layout.
8. Based on the Town Board's review of relevant documentary, testimonial, and other evidence, the location, nature, duration, and intensity of the Proposal: (a) will not adversely affect the orderly pattern of development in the area; (b) will be in harmony with nearby uses; (c) will not alter the essential character of the nearby neighborhood, nor be detrimental to the residents thereof; (d) will not create a hazard to health, safety, or the general welfare;

(e) will not be detrimental to the flow of traffic; and (f) will not place an excessive burden on public improvements, facilities, services, or utilities.

9. Access to the Premises and the size and shape of the Premises are adequate for the Proposal.
10. Having considered the Proposal and all additional information that may be relevant to the Proposal, it is in the public interest to grant the requested special use permit.
11. The Applicant has notified the Town Board of its intention to file an application for an on-premise liquor license at the Premises.

NOW THEREFORE, be it

RESOLVED that the Town Board has no objection to the Applicant's application for an on-premise liquor license at the Premises and hereby waives the 30-day notification requirement for such application.

AND BE IT FURTHER

RESOLVED that, based on the aforementioned information, documentation, testimony, and findings, pursuant to the authority conferred by New York State Town Law, Article 16, the request submitted by Rare Hospitality International, Inc. (the "Applicant") for a special use permit to operate a restaurant, to be known as Longhorn Steakhouse, on property located at 1877 West Ridge Road, in a BG (General Business) Zoning District, hereby be and the same is approved and granted, subject to the following conditions:

1. The Applicant shall operate this restaurant in conformity with all details of the Proposal as presented in the written descriptions and site development plans of the Proposal, as orally described at the Hearing, and as set forth herein. In the event of any conflict among the oral or written descriptions of the Proposal, the site development plans for the Proposal, or the requirements or restrictions of this resolution, the Town Board, in its sole discretion and judgment and without public hearing, shall determine the resolution of such conflict.
2. The Applicant shall comply with all requirements of the *Code of the Town of Greece, New York*, Chapter 211 (the Town's zoning ordinance), or any variance granted therefrom, relative to number, size, height, and location of signs. Failure to comply with such requirements may be grounds for revocation of this special use permit.
3. The maximum occupancies in this restaurant shall be the limits established by the Town's Fire Marshal pursuant to the *Building Codes of New York State*.
4. The Applicant shall comply with all applicable federal, state, county, and town laws, ordinances, codes, rules, and regulations, including but not limited to the *Building Codes of New York State* and all applicable requirements for the installation/maintenance of a grease trap. Failure to comply with such requirements may be grounds for revocation of this special use permit.
5. The Applicant shall not use any of the Premises for any adult bookstore, adult cabaret or adult entertainment establishment as such terms are defined by the Town's zoning ordinance; any illegal, unlawful, or lewd and lascivious activity; or for the sale or display of pornographic materials. Failure to comply with this requirement may be grounds for revocation of this special use permit.
6. On a regular, routine basis, the Applicant shall manage and clean up trash or litter that originates from this restaurant or its customers. The areal limits of the Applicant's responsibility in this requirement shall be the Premises.
7. Within 6 months, 12 months, 18 months, and 24 months of the date of this approval and annually thereafter, the Town Board or its designee may review, without public hearing, the operation of this restaurant and its compliance with the terms and conditions of this special use permit.
8. The Town Board may revoke this special use permit pursuant to the provisions in the *Code of the Town of Greece, New York*, Chapter 211 (the Town's zoning ordinance), if the Town Board determines, in its sole discretion and judgment, that it has received sufficient complaints and

other evidence that the Applicant has failed to operate this restaurant in conformity with the terms and conditions of this special use permit.

9. Wherever this resolution refers to a specific applicant, developer, or operator, it shall be construed to include successors and assigns.
10. Wherever this resolution refers to a specific public official or agency, it shall be construed to include successors and assigns.
11. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any superseding or succeeding authority.
12. Upon the sale or other transfer of controlling interest in this restaurant to any person or entity other than Rare Hospitality International, Inc., its wholly owned subsidiaries, or its franchisees, a new request for a special use permit must be submitted to the Town Board.

ADOPTED Ayes 5 Auberger, O'Keefe, Conlon, Helfer, Morris
 Nays 0

#197A - Councilman Morris offered the following resolution and moved its adoption:

WHEREAS, Route 390 Nissan, LLC (the "Project Sponsor") has submitted a request to the Town Board of the Town of Greece, Monroe County, New York (respectively, the "Town Board" and the "Town") to amend the Zoning Ordinance and the Official Zoning Map of the Town of Greece, New York, relative to property located at 4012 – 4036 West Ridge Road; and

WHEREAS, the Town Board makes the following findings:

1. In summary, the Project Sponsor's proposal (the "Proposal") is to rezone 2.07+/- acres of real property (the "Premises") from R1-12 (Single-Family Residential) to BG (General Business). The Premises currently consist of three lots; two of the lots have single-family dwellings, and one lot is vacant. The Project Sponsor proposes to remove the dwellings and to construct a new building (13,500+/- square feet) for an automotive sales/lease dealership, with related parking, utilities, grading, and landscaping. Vehicular access to the Premises is via a non-signalized driveway at West Ridge Road (New York State Route 104, a five-lane highway).
2. Upon review of the Proposal, the Town Board determined that the Proposal is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the Proposal constitutes an Unlisted action under SEQRA.
3. On May 18, 2010 at 6:40 p.m. in the Greece Town Hall, 1 Vince Tofany Boulevard, the Town Board held a public hearing (the "Hearing") to consider the Proposal, at which time all persons and organizations in interest were heard.
4. Documentary, testimonial, and other evidence relative to the Proposal were presented at the Hearing for the Town Board's consideration.
5. The Town Board carefully has considered environmental information that was prepared by the Project Sponsor's representatives (collectively, the "Environmental Information"), which included, but was not limited to: a written description of the Proposal; a Short Environmental Assessment Form; a conceptual drainage plan and analysis; traffic projections for the Proposal; and conceptual site development plans.
6. The Town Board carefully has considered additional information submitted by the Project Sponsor's representatives, including, but not limited to: oral or written descriptions of the Proposal; maps of the Proposal; and various oral or written comments that resulted from telephone conversations, meetings, or written correspondence from or with the Project Sponsor's representatives.
7. The Town Board carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested agencies, including, but not limited to: the New York

State Department of Transportation; the Monroe County Department of Transportation; the Monroe County Department of Planning and Development; the Monroe County Department of Public Health; the Town of Greece Environmental Board; and the Town's own staff.

8. The Town Board carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, and written correspondence from or with nearby property owners, and all other comments submitted to the Town Board as of June 15, 2010.
9. The Town Board has met the procedural and substantive requirements of SEQRA.
10. The Town Board carefully has considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
11. The Town Board carefully has considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Information.
12. The Town Board concurs with the information and conclusions contained in the Environmental Information.
13. The Town Board has made a reasoned elaboration of the rationale for arriving at its determination of environmental significance and the Town Board's determination is supported by substantial evidence, as set forth herein.
14. To the maximum extent practicable, potential adverse environmental impacts revealed in the environmental review process will be avoided or minimized by the Project Sponsor's voluntary incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Town Board's own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Town Board determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Helfer, Antelli
 Nays 0

#197B - Councilman Morris offered the following resolution and moved its adoption:

WHEREAS, Route 390 Nissan, LLC (the "Applicant") has submitted a request to the Town Board of the Town of Greece, Monroe County, New York (respectively, the "Town Board" and the "Town") to amend the Zoning Ordinance and the Official Zoning Map of the Town of Greece, New York, relative to property located at 4012 – 4036 West Ridge Road; and

WHEREAS, the Town Board makes the following findings:

1. In summary, the Applicant's proposal (the "Proposal") is to rezone 2.07+/- acres of real property (the "Premises") from R1-12 (Single-Family Residential) to BG (General Business). The Premises currently consist of three lots; two of the lots have single-family dwellings, and one lot is vacant. The Applicant proposes to remove the dwellings and to construct a new building (13,500+/- square feet) for an automotive sales/lease dealership, with related parking, utilities, grading, and landscaping. Vehicular access to the Premises is via a non-signalized driveway at West Ridge Road (New York State Route 104, a five-lane highway).
2. Proof was had of the notice of a public hearing on a resolution proposing to amend said Zoning Ordinance and Official Zoning Map by rezoning 2.07+/- acres from R1-12 (Single-Family Residential) to BG (General Business), relative to property located at 4012 – 4036 West Ridge Road.

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3. On May 18, 2010 at 6:40 p.m. in the Greece Town Hall, 1 Vince Tofany Boulevard, the Town Board held a public hearing (the "Hearing") to consider the Proposal, at which time all persons and organizations in interest were heard.
4. Documentary, testimonial, and other evidence relative to the Proposal were presented at the Hearing for the Town Board's consideration.
5. At the conclusion of the Hearing, the Town Board closed the Hearing and reserved decision on the Proposal.
6. The Premises are surrounded by the following zoning districts and land uses:
 - North: BG (General Business) – two-story office building.
 - Northeast: PL (Public Land) – vacant land that is owned by the North Greece Fire District; and BR (Restricted Business) – a multiple-tenant commercial plaza.
 - Northwest: BG (General Business) – a general retail store and additional, undeveloped land zoned BG.
 - South: BG (General Business) – automotive sales/lease dealership.
 - East: BG (General Business) – automotive sales/lease dealership.
 - West: BG (General Business) – parking lot for a general retail store; farther west – a bank, a veterinary office, and a realtor's office.
7. The Proposal is consistent with the recommendations of the Town's 2001 *Community Master Plan Update* (the "Master Plan"). The Master Plan stated that the lands in the vicinity of West Ridge Road between North Greece Road/Elmgrove Road and Manitou Road were appropriate locations for commercial development, particularly for large buildings and sites.
8. The Proposal will not set an undesirable precedent for future development in the vicinity because automotive sales dealerships and other forms of retail sales already exist in the vicinity of the Premises.
9. The size and shape of the Premises are suitable for the Proposal.
10. Public utility service and vehicular access are adequate for the Proposal.
11. On June 15, 2010, in accordance with the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), the Town Board issued a negative declaration in the environmental review of the Proposal (the "Negative Declaration"). The Negative Declaration indicated that, consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the Proposal minimizes or avoids adverse environmental effects to the maximum extent practicable, that potential adverse environmental effects will be minimized or avoided to the maximum extent practicable by the Applicant's voluntary incorporation of those mitigation measures that were identified as practicable, and that the Proposal will not have a significant adverse effect on the environment. The Negative Declaration is incorporated herein as findings of the Town Board in the decision on the Proposal.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned information, documentation, testimony, and findings, pursuant to the authority conferred by New York State Town Law, Article 16, of the Zoning Ordinance and the Official Zoning Map of the Town of Greece, New York, hereby be and the same are amended to change the zoning classification of 2.07+/- acres from R1-12 (Single-Family Residential) to BG (General Business), relative to property located at 4012 – 4036 West Ridge Road, as more particularly identified in the description attached hereto, subject to the following conditions:

1. The Applicant shall submit a request to the Town of Greece Planning Board for site plan approval in order to address the details of site development issues, including but not limited to: building and parking layout; vehicular ingress and egress for the Premises; vehicular and pedestrian traffic flow on the Premises; exterior appearance of the building (that is, materials, colors, and architectural style); landscaping and buffering; lighting; utilities; site grading; and drainage control.

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2. In the event of any conflict among the oral or written descriptions of the Proposal, the site development plans for the Proposal, or the requirements or restrictions of this resolution, the Town Board, in its sole discretion and judgment and without hearing, shall determine the resolution of such conflict.
3. Wherever this resolution refers to a specific applicant, developer, or operator, it shall be construed to include successors and assigns.
4. Wherever this resolution refers to a specific public official or agency, it shall be construed to include successors and assigns.
5. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any succeeding or superseding authority.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Helfer, Antelli
Nays 0

#198A - Councilman Morris offered the following resolution and moved its adoption:

WHEREAS, 4320 West Ridge, LLC (the "Applicant/Project Sponsor") has submitted a request to the Town of Greece (the "Town") Town Board (the "Town Board") to amend the Zoning Ordinance and the Official Zoning Map of the Town of Greece, New York (the "Rezoning"), relative to property generally located north of and including 4232 – 4350 West Ridge Road (the "Premises"), in order to undertake a commercial development, as hereinafter described (the "Project"); and

WHEREAS, the Applicant/Project Sponsor's application to rezone the above-referenced properties includes a detailed project narrative, conceptual plan, existing conditions plan, various technical reports, and Part 1 of a Full Environmental Assessment Form ("EAF") (collectively, the "Application"); and

WHEREAS, upon review of the Application, the Town Board has determined that the Rezoning is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the Rezoning and the Project constitute a Type I action under SEQRA; and

WHEREAS, for all Type I actions involving more than one involved agency, coordinated environmental review is mandated under SEQRA and a Lead Agency must be established prior to a determination of significance; and

WHEREAS, on April 17, 2007, the Town Board adopted a resolution declaring its intent to act as Lead Agency for the Rezoning and the Project, and on May 10, 2007, the Town's Director of Development Services distributed a copy of the Application to all involved and interested agencies, notifying them that a Lead Agency must be agreed upon within 30 calendar days and expressing the Town Board's intent to act as lead agency for the Rezoning and the Project; and

WHEREAS, after 30 days, no objections to the Town Board becoming the lead agency were received from any involved agencies, and on June 19, 2007, the Town Board assumed the role as lead agency for the coordinated environmental review of the Rezoning and the Project and for the purpose of compliance with SEQRA, as codified in the SEQRA Regulations; and

WHEREAS, on May 14, 2007, at 6:35 p.m. in the Greece Town Hall, 1 Vince Tofany Boulevard, the Town Board held a public hearing (the "Hearing") to consider the Rezoning, at which time all persons and organizations in interest were heard; and

WHEREAS, documentary, testimonial, and other evidence relative to the Rezoning and the Project were presented at the Hearing for the Town Board's consideration; and

WHEREAS, on July 17, 2007, the Town Board found that the Project may result in potentially significant adverse environmental impacts, and issued the appropriate determination via a positive declaration to require the preparation of a Draft Generic Environmental Impact Statement ("DGEIS") for the Rezoning and the Project; and

WHEREAS, the Applicant/Project Sponsor submitted to the Town Board a draft scoping document for the DGEIS; and

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WHEREAS, on August 2, 2007, the Town's Director of Development Services distributed the draft scoping document for the DGEIS to all involved agencies, notifying them that written comments on the draft scoping document for the DGEIS would be accepted until August 17, 2007; and

WHEREAS, on August 21, 2007, the Town Board accepted the final scoping document as complete; and

WHEREAS, the Applicant/Project Sponsor submitted the DGEIS to the Town Board; and

WHEREAS, on November 20, 2007, after review of the DGEIS, the Town Board determined that the DGEIS was prepared in conformance with the final scoping document and accepted the DGEIS as adequate for the purpose of public and involved agency/interested party reviews and comment, and provided an opportunity of not less than sixty (60) days to comment on the DGEIS, until February 4, 2008; and

WHEREAS, on December 5, 2007, the Town's Director of Development Services filed a Notice of Complete DGEIS and distributed the DGEIS to all Involved Agencies, in accordance with the notice and filing requirements of Part 617.12 of the SEQRA Regulations; and

WHEREAS, the Applicant/Project Sponsor submitted to the Town Board a Final Generic Environmental Impact Statement ("FGEIS"), which contained written comments on the DGEIS and the Applicant's/Project Sponsor's responses to said comments; and

WHEREAS, on January 19, 2010, the Town Board accepted the FGEIS after due deliberation and review of the prepared documentation, for the purpose of public and involved agency/interested party reviews, and provided an opportunity of not less than ten (10) days to comment on the FGEIS, until February 5, 2010, with requests for additional time to review and comment to be considered; and

WHEREAS, on January 20, 2010, the Town's Director of Development Services filed a Notice of Complete FGEIS and Notice of Public Comment and distributed the FGEIS to all Involved Agencies, in accordance with the notice and filing requirements of Part 617.12 of the SEQRA Regulations; and

WHEREAS, on February 16, 2010, and on March 16, 2010, in response to requests from the New York State Department of Transportation (the "NYSDOT") and the Monroe County Department of Transportation (the "MCDOT"), the Town Board extended the time for review and comment on the FGEIS until March 12, 2010 and April 5, 2010, respectively; and

WHEREAS, the Town Board carefully has considered additional information submitted by the Applicant/Project Sponsor's representatives, including but not limited to: oral or written descriptions of the Project; maps and other drawings of the Project; and various oral or written comments that resulted from telephone conversations, meetings, or written correspondence from or with the Project Sponsor's representatives; and

WHEREAS, the Town Board carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested agencies, including but not limited to: the United States Army Corps of Engineers (the "USACE"); the New York State Department of Environmental Conservation (the "NYSDEC"); the NYSDOT; the MCDOT; the Monroe County Department of Planning and Development; the Monroe County Department of Environmental Services, Division of Pure Waters; the Monroe County Water Authority; the Town of Greece Planning Board; the Town of Greece Environmental Board; and the Town's own staff; and

WHEREAS, the Town Board carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with nearby property owners, and all other comments submitted to the Town Board as of June 15, 2010; and

WHEREAS, the Town Board, as the Lead Agency for the coordinated environmental review of the Rezoning and the Project, makes the following findings based on the FGEIS accepted by the Town Board on January 19, 2010, all previous SEQRA proceedings and documents related to the Rezoning and the Project, and all comments on the Rezoning and the Project received as of June 15, 2010:

1. DESCRIPTION OF PROJECT

In summary, the Premises in the Rezoning consist of 67.1 +/- acres of real property. The Applicant/Project Sponsor's Project consists of 390,000 +/- square feet of commercial development, with related paved parking, utilities, grading, landscaping/buffering, and other site modifications. The Project consists of several buildings – some for freestanding, single uses, some for a collection of tenants – with unspecified tenants and completion date, which depend on market demand. The Applicant/Project Sponsor proposes signalized and non-signalized access for the Premises via West Ridge Road (New York State Route 104, a five-lane highway). Existing land uses in the vicinity consist of single-family residential, office, and commercial.

2. REQUIRED DISCRETIONARY APPROVALS

The discretionary approvals (the "Approvals") required for the Project include the following:

Potential Required Approvals	
Approval/Permit/Review	Agency
Town of Greece	
Rezoning Approval	Town Board
Site Plan Approval	Planning Board
Subdivision Approval	Planning Board
Special Use Permit Approval	Town Board
Special Use Permit Approval	Board of Zoning Appeals
Monroe County	
Water Supply and Distribution Designs	Water Authority
Section 239-m Referral	Department of Planning & Development
Highway Work Permit	Department of Transportation
Water Supply & Sanitary Sewer Extension	Department of Public Health
Approval of Sanitary Sewer Plans	Department of Environmental Services, Division of Pure Waters
New York State	
SPDES Permit(s) for Storm Water Discharges	Department of Environmental Conservation
Historic, Cultural and Archeological Review	Office of Parks, Recreation & Historic Preservation
Highway Work Permit & Possible Road Entrance Permit	Department of Transportation

3. PURPOSE, NEED AND BENEFITS

The purpose of the Project is to provide a modern, aesthetically pleasing, lifestyle shopping center to serve the residents of the Town of Greece, Monroe County and surrounding areas. The Project will provide the community with convenient access to a broad range of goods and services.

The Premises currently are available for the development of the Project, and BG zoning is appropriate for the Project. The Premises have adequate access and utilities, and there are no physical limitations that would preclude development. The Project has been configured to minimize environmental impacts and limit exceptions to the requirements of the proposed zoning district. The Project will set a positive precedent for future retail development in the Town, including access management, consolidation and sharing of parking and other facilities, enhanced architecture and landscaping, and reduction of cumulative environmental impacts.

Furthermore, the Project will create financial benefits in the forms of employment opportunities for local residents; increased tax base and property tax revenue for the Town, Monroe County, the Spencerport and Greece Central school districts (collectively, the "School Districts"), and the North Greece Fire District; and increased sales tax revenue to the Town and Monroe County.

4. FACTS AND CONCLUSIONS TO SUPPORT THE DECISION:

Land Use, Zoning, and Public Policy

The Project will not result in any significant adverse impacts to the land use plans and goals of the Town, and is consistent with the Town's 2001 Community Master Plan Update (the "2001 Master Plan"). The Town Board reviewed the 2001 Master Plan and determined that the Project is consistent with and furthers the recommendations of the Town's 2001 Master Plan, which specifically recommends commercial development along West Ridge Road, including that area of West Ridge Road that encompasses the Project.

Visual Character

The Application includes a series of photographs and a line-of-sight drawing that together demonstrate that the Project will have a minimal impact, if any, on the visual character of the community. As outlined in Section 3.2 of the DGEIS, the Project layout employs several strategies to mitigate any potential visual impacts. The natural geological formation and topography of the Premises (sloping down, northward, from West Ridge Road) tend to minimize the perceived size and scale of the Project from West Ridge Road. The preservation of the wooded area located on the east end of the Premises provides a natural screen between the Project and the closest adjacent residential neighbors. In addition, the Project includes substantial buffers from the future buildings and parking fields for the closest adjacent parcels to the north and west. The information contained in the Visual EAF (Appendix A to the FGEIS) verifies that, other than from West Ridge Road, the Project will not be visible from any public resources. The Applicant/Project Sponsor has committed to utilizing "dark sky" compliant lighting to minimize any potential impacts caused by the proposed lighting on the Premises.

Vegetation and Wildlife

There are no state or federal rare, endangered or threatened plants, animals or habitats located on the Premises. The Project also preserves a wooded area located along the east boundary of the Premises that maintains a portion of the habitat for the existing plants and animals located on the Premises.

Wetlands

The Project will not impact any streams, regulated wetlands or flood zones. Although a wetland exists on the Premises, it was determined to be an isolated, non-navigable intrastate water and therefore not regulated by the U.S. Army Corps of Engineers (the "USACE") under the federal Clean Water Act, Section 404. Appendix D of the FGEIS contains a jurisdictional determination letter from the USACE.

Topography and Soils

The Project will comply with applicable NYSDEC and Town storm water and drainage regulations and best practices, including a State Pollution Discharge Elimination System ("SPDES") Permit (including the preparation of a Storm Water Pollution Prevention Plan ("SWPPP")), the NYSDEC General Permit for construction activities disturbing greater than 1 acre ("GP-08-01") and the Code of the Town of Greece, Chapter 176 (the "Town's Stormwater Management Law").

Storm Water Management

A comprehensive drainage report was submitted as Appendix C to the DGEIS. Although the Project will disturb the existing drainage patterns of the Premises, the Project will comply with applicable NYSDEC and Town storm water and drainage regulations and best practices, including a SPDES Permit (including the preparation of a Storm Water Pollution Prevention Plan, or "SWPPP"), GP-08-01 and the Town's Stormwater Management Law. The Project will not adversely impact the Smith Creek or the Larkin Creek floodplains. The proposed drainage improvements, including two (2) detention ponds, will mitigate the amount and volume and positively affect the quality of the storm water leaving the Premises and will have the capacity to manage two (2) successive 100-year storm events.

Infrastructure and Utilities

The Project includes the extension of a 15-inch-diameter sanitary sewer south from Images Way/Daffodil Trail to the Premises, which will be dedicated to the Town (the "Sewer Extension"). There is adequate capacity within the existing sanitary sewer system to accommodate the Sewer Extension. The Sewer Extension also has been sized to provide capacity for other potential development to the south of the Premises should such other development occur.

The Project will require the extension of the existing 12-inch-diameter Monroe County Water Authority water main as well as electric and gas service by Rochester Gas & Electric and telecommunications service by Frontier Telephone to the Premises, all of which have adequate capacity to accommodate the necessary extensions.

Traffic and Transportation

Traffic impacts associated with the Project were the focus of extensive review. Several traffic studies and reports were commissioned, including a Traffic Impact Study, the DGEIS Traffic Supplements and the FGEIS Appendix dealing with traffic issues. Although there will be an increase in traffic associated with the Project (between 986 and 1,846 vehicle trips during the Friday PM and Saturday mid-day peak hours, respectively) the proposed traffic improvements will mitigate the impacts associated with the traffic increase to the maximum extent practicable:

- a. Access for the Premises will be provided by the construction of two (2) new driveways connecting the Premises to West Ridge Road, as well as an internal road system connecting the Premises to the adjacent Shops at Hampton Ridge ("SHR") development. The internal road system will provide beneficial redundant access points for the Premises to/from West Ridge Road. Using multiple access points and the internal road system (which connects the Project to the adjoining SHR development) results in an efficient distribution of traffic.
- b. The Project includes the installation of a new traffic signal at the intersection of West Ridge Road and the eastern entrance driveway.
- c. Providing multiple access points to the Project is beneficial from an emergency services standpoint as well. Emergency personnel will be better able to access the Premises safely and effectively in the event of an emergency. If an emergency were to block access to one of the entrances to the Premises, without the second access point (and a third access via cross access with the SHR site) emergency vehicles would be completely cut off from entering the Premises. In the event there were a second emergency situation occurring at the same time, it would be impossible for emergency vehicles to respond. With a second direct access point from West Ridge Road, access to the Premises will be maintained. In addition, the access point on West Ridge Road along the western boundary of the Premises will allow customers traveling to and from the west to enter and exit the Premises in a safe and efficient manner.
- d. The proposed mitigation measures include two (2) new intersections, each containing a dedicated westbound right turn lane. The western driveway includes a single, dedicated eastbound left turn lane and the eastern (signalized) driveway includes two (2) dedicated eastbound left turn lanes. The presence of dedicated eastbound and westbound turning lanes permits traffic to move more freely.
- e. Other proposed traffic mitigation along West Ridge Road includes installing eastbound left and westbound right inbound turn lanes on West Ridge Road at both the east and west entrance drive intersections, as well as traffic signal timing adjustments to existing traffic signals at the West Ridge Road-Manitou Road intersection and the West Ridge Road-Elmgrove Road/North Greece Road intersection.
- f. Both the NYSDOT and the MCDOT have reviewed the proposed traffic mitigation measures and provided comment thereon. As noted in the comments from the NYSDOT and the MCDOT, depending on the amount of development in the vicinity of the Premises in the future, as well as the amount of traffic generated from the Project as it develops, additional off-site traffic mitigation may be necessary, including but not limited to at the West Ridge Road-New York State Route 259 intersection in the Town of Parma, the West Ridge Road-Manitou Road intersection, and the Elmgrove Road-Straub Road intersection. Because the scope of future development in the area surrounding the Premises is unknown at this time, as the Project is developed, the Applicant/Project Sponsor will provide such additional traffic evaluation and mitigation as the NYSDOT and the MCDOT determine is warranted by the then-existing traffic conditions in the areas affected by the Premises and triggered by that portion of the development of the Project that occurs at that time. The same evaluation and mitigation procedure will be required of other development in the vicinity of the Project.
- g. The Project will accommodate safe pedestrian and bicycle access. The Project includes the extension of a sidewalk along the West Ridge Road frontage and into the Premises, as well as crosswalk improvements at both the east and west entrance driveways.

Noise

There will be short-term noise impacts related to the construction of the Project. These noise impacts are not significant, as they are temporary in nature and of short duration. Further, the construction work hours will be at times where the West Ridge Road corridor generates comparable ambient noise. Once constructed, the projected 3 dB increase in noise associated with the Project will not be detected in the closest adjacent off-site areas.

Air Quality

The Project provides for implementation of activities to reduce impacts to air quality. These include protecting exposed soil with a temporary cover and mitigating dust exposure by using water or other soil-adhering products to limit dust impacts. Construction of the Project will comply with the New York State Guidelines for Urban Erosion and Sediment Control, which will limit the impact to air quality, to the maximum extent practicable. Additionally, the traffic mitigation measures, discussed above, will minimize delays at nearby intersections and limit the impacts to air quality associated with idling traffic, to the maximum extent practicable.

Community Facilities

The Project will not have any significant adverse impact on the Town, Town services, the Town Police Department, the North Greece Fire District, the Greece Volunteer Ambulance, the School Districts or on regional municipal solid waste facilities. The existing community facilities are adequate to support the Project.

Fiscal Impacts

The Project is anticipated to increase the Town's tax base by a projected minimum of \$17,997,720, providing an estimated \$782,541 in additional tax revenue to the Town, Monroe County, the School Districts, and the Town's special districts; additional tax revenue also will accrue to the North Greece Fire District. The Project also is estimated to generate approximately \$2 million dollars in sales tax revenue annually. In addition to the increased tax revenue, the Project is expected to create approximately 200 jobs during construction and another 500 to 600 jobs upon completion. The Project will provide opportunities for new tenants to establish themselves in the Town. The Project is consistent with the recommendations of the 2001 Master Plan.

Cultural Resources

The Project's impact on cultural resources also has been the subject of extensive review. The Premises contain the Westfall-Mercier Cobblestone Historic Site (the "Cobblestone House"). The Project's potential impact on the Cobblestone House and other cultural resources has been reviewed by representatives of the New York State Office of Parks Recreation and Historic Preservation ("SHPO"), the Landmark Society of Western New York, and the Town. In response to comments received from the reviewing agencies, the Applicant/Project Sponsor devised a revised plan to incorporate the Cobblestone House into the Project (the "Revised Plan"; see Figure 2A of the FGEIS). Although the Revised Plan provides the opportunity to preserve the Cobblestone House, given its deteriorated condition, there is some question whether it can be preserved and/or otherwise converted for commercial use. However, the Applicant/Project Sponsor has agreed to cooperate with efforts to preserve the Cobblestone House and has proposed a minimum 25-foot-wide buffer around the Cobblestone House in an effort to preserve its integrity during construction. The Revised Plan is consistent with the recommendations of the Phase II and III cultural resource investigation performed by Powers & Teremy, LLC. Although the Revised Plan does not guarantee the preservation of the Cobblestone House, it does provide an opportunity for its preservation that otherwise would not be provided if the Premises remained undeveloped.

Solid Waste Management

Paper and cardboard will constitute the majority of solid waste generated by the Project. Refuse containers (dumpsters) will be placed in visually screened areas that typically will be along the rear of the proposed buildings. Litter containers also will be placed at strategic locations along the front sidewalk of the proposed buildings for the convenience of shoppers.

It is anticipated that six (6) tons of solid waste will be generated per month from the Project, which will be handled by one of several private refuse collectors in the area. All solid waste will be transported to the Mill Seat Landfill in Riga, New York or other approved facility. Currently, there is ample capacity in the Mill Seat Landfill to accommodate the waste generated by the Project. Monroe County's recycling programs also will help to minimize the amount of debris requiring disposal in a landfill.

Construction Impacts

During construction of the Project, certain unavoidable temporary impacts will occur. These temporary impacts are primarily related to the use of construction equipment to construct the Project. Impacts can be classified in four (4) categories: traffic flow; vibration; noise; and air. Although a number of the impacts of construction activities are unavoidable, such impacts can be mitigated significantly through a variety of means, including but not limited to: separation distance; retention and enhancement of existing buffers; properly maintained and operated equipment; controlled work hours; traffic control; compliance with the SWPPP; and the other methods outlined in the DGEIS. The Project incorporates mitigation measures that minimize impacts for construction to the maximum extent practicable.

Alternatives

During the DGEIS/FGEIS process, the following alternatives were explored and the Town Board reached the following conclusions regarding each of the alternatives:

The “No Build” Alternative

As outlined in the DGEIS, the “no action” alternative deprives the region of the convenient local access to goods and services provided by the Project, delays the development of West Ridge Road as contemplated by the 2001 Master Plan, and fails to provide the fiscal benefits to the Town, the County of Monroe, the Spencerport and Greece Central school districts, and the North Greece Fire District that the Project will bring.

Alternate Use Under R1-12 Zoning

Development of the Premises in accordance with existing zoning would deprive the region of convenient local access to goods and services and delay the growth of the commercial corridor along West Ridge Road in an area that the 2001 Master Plan recommended for this purpose. Additionally, as evidenced by the condition of houses in the vicinity of the Premises before they were demolished, the existing commercial development along West Ridge Road in the vicinity of the Premises limits the desirability and suitability of the Premises for single-family residential development.

Alternative Layouts

The Applicant/Project Sponsor has developed a series of concept plans for the Project, each of which maintains a 15% lot coverage ratio (the ratio of total gross first floor area to land area), with associated parking fields to provide the greatest flexibility for future use. Although the final building design/layout of the Project will be determined during the site plan review process, the size of the Project and corresponding environmental impacts created therefrom will remain unchanged. In response to several of the comments regarding the DGEIS, the Applicant/Project Sponsor submitted a Revised Plan that incorporates the Cobblestone House into the site plan. The Revised Plan provides the opportunity for the Cobblestone House to be preserved into the future.

Alternate Locations

As outlined in the DGEIS, the Applicant/Project Sponsor does not own or control any additional land in the immediate vicinity of the Premises that would be capable of hosting a development similar to the Project. The Premises are ideally situated to host the Project and further the recommendations of the 2001 Master Plan.

Cumulative Impacts

SEQRA does not require an applicant to assess the impacts of an unrelated development. *See, e.g. Long Island Pine Barrens Society Inc. v. Planning Board for the Town of Brookhaven*, 80 N.Y.2d 500; 591 N.Y.S.2d 982 (1992). That another project might be proposed in the same geographic location is not enough to make it a subject of mandatory cumulative impact review. *See North Fork Environmental Council, Inc. v. Janoski*, 196 A.D.2d 590; 601 N.Y.S.2d 178 (2d Dept. 1993).

The New York State Court of Appeals has established a test of “relatedness” between projects to determine whether cumulative impact review is necessary. Relatedness does not mean geographic proximity between developments, but rather relatedness is shown when the municipality has established “a sufficiently cohesive framework for mandatory cumulative impact review.” *Long Island Pine Barrens Society*, 80 N.Y.2d at 514, 591 N.Y.S.2d at 988. As stated by the Court of

Appeals, it is “the existence of a ‘larger plan’ for development, not the proposed projects’ common geographical base or the existence of a generally stated governmental policy to protect the region from unbridled development” that provides for the relatedness between two projects. *Id.* Further, “the existence of a broadly conceived policy regarding land use in a particular locale is simply not a sufficiently unifying ground for tying otherwise unrelated projects together”. Long Island Pine Barrens Society, 80 N.Y.2d at 513, 591 N.Y.S.2d at 987.

Here, neither the Town nor the Applicant/Project Sponsor has a larger plan of development or a cohesive framework that would satisfy the threshold showing for relatedness between the Project and Southwestern Commons. The only common element between the Project and the proposed Southwestern Commons commercial and residential development (a project that may or may not come to fruition, depending on the outcome of a rezoning request) is geographic location, which is insufficient to require a cumulative impact review. Accordingly, a cumulative impact review of the Project and the theoretical Southwestern Commons project is not required.

Growth-Inducing Aspects

The Project is consistent with the 2001 Master Plan, which recommends that the Premises and additional land along West Ridge Road in the vicinity are an appropriate location for large-scale commercial development. The size and shape of the Premises are suitable for the Project. It is possible that the Project could induce further development along West Ridge Road, particularly if the sanitary sewer were extended from the Premises southward across West Ridge Road. However, it should be noted that the rezoning request for the Project has been pending before the Town since April 3, 2007, and other than the Southwestern Commons development proposed for the south side of West Ridge Road, the Project has not induced substantial additional growth along the corridor. Any future commercial growth induced by the Project also would be consistent with the 2001 Master Plan.

Unavoidable Adverse Impacts

During the development of any project, regardless of its magnitude, certain adverse impacts on the environment will result despite all measures implemented to mitigate these impacts. SEQRA contemplates the balancing of these impacts against social, economic and other relevant considerations (6 NYCRR 617.12(d)(2)). The unavoidable impacts anticipated to occur due to the development of the Project include:

- a. Unavoidable Short-Term Impacts. Unavoidable short-term impacts are all related to the construction phases of the Project. They are temporary, localized, and relatively minor in nature. These short-term impacts include:
 - Temporary traffic delays due to construction of proposed highway improvements; and
 - Increased traffic levels due to construction workers’ vehicles and off-site equipment movement; and
 - Temporary but non-harmful increases in noise levels in the immediate vicinity of construction; and
 - Dusty conditions generated by construction activity, which will be reduced by conventional methods; and
 - Localized increases in air emissions from construction equipment.
- b. Unavoidable Long-Term Impacts. Long-term impacts that will result from the construction and operation of the retail and commercial establishments include:
 - Removal of existing vegetation and reduction in wildlife habitat; and
 - Conversion of 67 acres of land from residential to commercial use that will allow construction of 25 acres of buildings and parking fields, with the remainder being left in natural condition, converted to storm water management facilities, or landscaped; and
 - Elimination of vacant boarded-up residential properties along West Ridge Road; and
 - Consolidation and reduction in the number of driveway accesses to West Ridge Road; and
 - Commitment of economic resources for the cost of site construction materials, labor, equipment and fuel during construction; and
 - Long term commitment of electric and gas energy sources for heating, cooling, and lighting of the Project; and
 - Commitment of a portion of available system capacity in water supply and other utilities, wastewater collection and treatment, and solid waste handling and disposal facilities; and

- Commitment of police, fire, and other emergency services that are funded through additional property taxes; and
- Traffic volumes near the Premises will increase as a result of the Project and normal growth in the area. However, West Ridge Road will have sufficient capacity as a result of the proposed mitigation, including turning lanes, new traffic signals and signal modifications; and
- Potential for preservation of the Cobblestone House.

; and

WHEREAS, based upon the foregoing, the Town Board makes the following additional findings:

1. The Town Board has met all of the procedural and substantive requirements of SEQRA; and
2. The Town Board carefully has considered each and every criterion for determining the potential significance of the Rezoning and the Project upon the environment, as set forth in SEQRA; and
3. The Town Board has given careful consideration to (that is, has taken the required “hard look” at) the FGEIS, and finds that the FGEIS, together with its Appendices, is complete and comprehensive in scope and content, and that the FGEIS identifies and adequately discusses all reasonable alternatives to, and all reasonably anticipated environmental impacts of, carrying out the Project; and
4. The Town Board has made a reasoned elaboration of the rationale for arriving at its determination of environmental significance and the Town Board’s determination is supported by substantial evidence, as set forth herein; and
5. Consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the Project will minimize or avoid, to the maximum extent practicable, the adverse environmental effects, including the effects disclosed in the DGEIS and FGEIS and as set forth in this Findings Statement; and
6. Consistent with the social, economic and other essential considerations described above, the incorporation in the development of the Project of the mitigation measures described in the Draft and Final Generic Environmental Impact Statements and in this Findings Statement, will minimize or avoid the adverse environmental impacts associated with the Project which were identified in the DGEIS and FGEIS and in this Findings Statement.

ADOPTED Ayes 5 Auberger, O’Keefe, Bilsky, Helfer, Antelli
 Nays 0

#198B - Councilman Morris offered the following resolution and moved its adoption:

WHEREAS, 4320 West Ridge, LLC (the “Applicant”) has submitted a request to the Town of Greece (the “Town”) Town Board (the “Town Board”) to amend the Zoning Ordinance and the Official Zoning Map of the Town of Greece, New York (the “Rezoning”), relative to property generally located north of and including 4232 – 4350 West Ridge Road (the “Premises”), in order to undertake a commercial development, as hereinafter described (the “Project”); and

WHEREAS, the Town Board makes the following findings:

1. In summary, the Premises in the Rezoning consist of 67.1+/- acres of real property. The Applicant’s Project consists of 390,000+/- square feet of commercial development, with related paved parking, utilities, grading, landscaping/buffering, and other site modifications. The Project consists of several buildings – some for freestanding, single uses, some for a collection of tenants – with unspecified tenants and completion date, which depend on market demand. The Applicant proposes signalized and non-signalized access for the Premises via West Ridge Road (New York State Route 104, a five-lane highway). Existing land uses in the vicinity consist of single-family residential, office, and commercial.
2. Proof was had of the notice of a public hearing on a resolution proposing to amend said Zoning Ordinance and Official Zoning Map by rezoning 67.1+/- acres from R1-12 (Single-Family Residential) to BG (General Business), relative to property generally located north of and including 4232 – 4350 West Ridge Road.

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3. On May 14, 2007, at 6:35 p.m. in the Greece Town Hall, 1 Vince Tofany Boulevard, the Town Board held a public hearing (the "Hearing") to consider the Rezoning, at which time all persons and organizations in interest were heard; and
4. Documentary, testimonial, and other evidence relative to the Rezoning and the Project were presented at the Hearing for the Town Board's consideration.
5. At the conclusion of the Hearing, the Town Board closed the Hearing and reserved decision on the Rezoning.
6. The Rezoning and the Project are consistent with the 2001 Master Plan, which recognizes that the corridor along both sides of West Ridge Road is the Town's primary commercial district. The 2001 Master Plan recommends that the Premises and additional land in the vicinity are an appropriate location for large-scale commercial development.
7. The Premises are surrounded by the following zoning districts and land uses:
 - North: R1-12 (Single-Family Residential) – single-family houses (subdivision partly developed).
 - East: BG (General Business) – a general retail store, a bank, and additional, undeveloped land zoned BG; RMH (Multiple-Family Residential) – apartments; and R1-E (Single-Family Residential) – single-family houses (subdivision partly developed).
 - East-Southeast: BP-2 (Professional Office) – realtor's office and veterinarian office.
 - Northeast: PL (Public Land) – undeveloped land owned by the Greece Central School District (does not adjoin the Premises).
 - South: R1-12 (Single-Family Residential) – undeveloped land on the south side of West Ridge Road (currently part of a separate request to rezone to BG for a commercial development); and BR (Restricted Business) – vacant office building.
 - Southwest: BG (General Business) – automotive sales/lease dealerships; BP-2 (Professional Office) – a former residence converted for musical instrument lessons and sales; and R1-12 (Single-Family Residential) – undeveloped land (currently part of a separate request to rezone to BG for a commercial development).
 - West: BG (General Business) – automotive sales/lease dealerships, undeveloped land, automotive repair facilities, vacant restaurant, and, farther west, boat sales and service; and R1-12 (Single-Family Residential) – undeveloped land.
8. The Project contains sufficient space for buffering between the proposed commercial uses and the existing residential uses to the north and east.
9. The size and shape of the Premises are suitable for the Project.
10. Based on a review of existing and proposed conditions by the Town's Department of Public Works and its Engineering Division, public utility service and vehicular access are adequate for the Project.
11. On June 15, 2010, in accordance with the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), the Town Board, as the lead agency for the coordinated environmental review of the Rezoning and the Project, issued a Findings Statement relative to the Project (the "SEQRA Findings Statement"). The SEQRA Findings Statement indicated that, consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the Project minimizes or avoids adverse environmental effects to the maximum extent practicable, and that potential adverse environmental effects will be minimized or avoided to the maximum extent practicable by the Applicant's voluntary incorporation of those mitigation measures that were identified as practicable. The SEQRA Findings Statement is incorporated herein as findings of the Town Board in the decision on the Rezoning.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned information, documentation, testimony; and findings, pursuant to the authority conferred by New York State Town Law, Article 16, the Zoning Ordinance and the Official Zoning Map of the Town of Greece, New York, hereby be and

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the same are amended to change the zoning classification of 67.1 +/- acres from R1-12 (Single-Family Residential) to BG (General Business), relative to property generally located north of and including 4232 – 4350 West Ridge Road, as more particularly identified in the description attached hereto, subject to the following conditions:

1. The Applicant shall comply with the mitigation measures described in the Town Board's June 15, 2010, SEQRA Findings Statement.
2. The Applicant shall submit a request to the Town of Greece Planning Board for site plan approval in order to address the details of site development issues, including but not limited to: building and parking layout; vehicular ingress and egress for the Premises; vehicular and pedestrian traffic flow on the Premises; exterior appearance of the building (that is, materials, colors, and architectural style); landscaping and buffering; lighting; utilities; site grading; and drainage control.
3. In the event of any conflict among the oral or written descriptions of the Rezoning, the site development plans for the Project, or the requirements or restrictions of this resolution, the Town Board, in its sole discretion and judgment and without hearing, shall determine the resolution of such conflict.
4. Wherever this resolution refers to a specific applicant, developer, or operator, it shall be construed to include successors and assigns.
5. Wherever this resolution refers to a specific public official or agency, it shall be construed to include successors and assigns.
6. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any succeeding or superseding authority.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Helfer, Antelli
 Nays 0

#199 - Councilman Morris offered the following resolution and moved its adoption:

WHEREAS, John F. Caruso has made application to this Board to amend the Zoning Map and Chapter 211 of the Code of the Town of Greece (the Zoning Ordinance), relative to property hereinafter described;

NOW, THEREFORE, pursuant to Section 264 and 265 of the Town Law of the State of New York, as amended, a public hearing on proposed amendments to the Zoning Ordinance and Zoning Map shall be held on Tuesday, July 20, 2010 at 6:30 p.m., at the Greece Town Hall, One Vince Tofany Boulevard in said Town; and notice of the time and place of such hearing shall be published in the Greece Post, a newspaper of general circulation in the Town of Greece, on July 9, 2010. At said hearing the following resolution is to be considered:

A resolution to rezone 7.5 ± acres from R1-E (Single-Family Residential) and IL (Light Industrial) to RMS (Multiple-Family Residential-Senior Citizen), property located at 500 Elmgrove Road, more particularly described as follows:

LEGAL DESCRIPTION

All that tract or parcel of land situated in and being part of Town Lot 135, township 1, Short Range, 20,000 Acre Tract, in the Town of Greece, County of Monroe, State of New York, and being more particularly described as follows:

Beginning at a point on the northwestern most property corner of lands now or formerly of CLB Developers Inc., at 500 Elmgrove Road (S.B.L. 088.040-04-09), said point also being the northeastern most property corner of lands now or formerly of Robert Ziobrowski at 492 Elmgrove Road (S.B.L. 088.040-04-10); thence,

1. South 76° 04' 22" east, along the northerly property line of #500 Elmgrove Road, a distance of 444.93 feet to a point; thence,

2. South 73° 44' 02" east, continuing along said property line, a distance of 202.17 feet to a point; thence,
3. South 76° 04' 22" east, a distance of 616.70 feet to the northeastern most property corner of #500 Elmgrove Road; thence,
4. South 00° 37' 35" west, a distance of 11.95 feet to a point; thence,
5. South 77° 11' 36" east, a distance of 85.00 feet to a point thence,
6. South 82° 49' 10" east, a distance of 190.00 feet to a point thence,
7. South 75° 49' 42" east, a distance of 40.00 feet to a point thence,
8. South 00° 00' 00" east, a distance of 30.36 feet to a point on the boundary line between the Town of Greece and town of Gates; thence,
9. North 89° 55' 52" west, along the division line of the Town of Greece and the Town of Gates, a distance of 1,533.17 feet to a point; thence,
10. North 00° 10' 05" west, a distance of 160.00 feet to a point thence,
11. North 89° 55' 56" west, a distance of 166.75 feet to a point on the eastern right-of-way of Elmgrove Road, thence,
12. North 00° 16' 54" east, along said right-of-way a distance of 60.00 feet to a point thence,
13. South 89° 55' 52" east, a distance of 166.28 feet to a point thence,
14. North 00° 19' 05" west, a distance of 185.00 feet to the point of beginning, containing 7.47 acres of lands, more or less.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

#200 - Councilman Conlon offered the following resolution and moved its adoption:

RESOLVED, that this Town Board authorize a change order in the amount of \$6,000.00 for Town Hall roof work.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Helfer, Antelli
 Nays 0

PUBLIC HEARINGS:

6:30 P.M. PUBLIC HEARING TO CONSIDER THE TOWN'S PROPOSED
 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS AND
 PROJECTS FOR THE 2010 PROGRAM YEAR (AUGUST 1, 2010 TO
 JULY 31, 2011).

Proof of publication and Affidavit of Posting of Notice was received, read and ordered filed.

Ron Sassone, Community Development Department
Presented the 2010 Community Development Block Grant Program.
The value of the grant is \$452,703, which represents an increase over the current year.

Community Development Block Grant Program activities:

• Greece Residential Improvement program	\$186,703.00
• Public Works Improvements	82,000.00
• Comprehensive Housing Counseling Program	9,000.00
• Elder Care Program	33,000.00
• Home Safe Home Program	10,000.00
• Suburban Housing Opportunity Program	12,000.00
• Two Doors Community Resource Center Window Replace	10,000.00
• Dewey Corridor Business Subsidy Program	75,000.00
• General Administration	35,000.00

This year's program gives high priority to activities that directly benefit the residents, businesses and property owners located within the Dewey Avenue Corridor.

No one spoke in favor or opposition.

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#201 - Councilman Conlon offered the following resolution and moved its adoption:

WHEREAS, the Town of Greece is a Community Development entitlement community and, as such, receives an annual block grant from the U. S. Department of Housing and Urban Development (HUD); and

WHEREAS, the Town anticipates receiving a block grant from HUD for its 2010 Community Development Block Grant Program, which will begin on August 1, 2010, in the amount of \$452,703 and

WHEREAS, the Town has prepared a Preliminary Community Development Block Grant Program in anticipation of receiving HUD funds for its 2010 program year, and

WHEREAS, the Preliminary Community Development Block Grant Program prepared by the Town reflects the needs and priorities contained in Greece's Consolidated Plan and also complies with all program rules and regulations promulgated by HUD; and

WHEREAS, the Town, in accordance with program regulations and its own Citizen Participation Plan, has provided its residents with the opportunity to review and comment upon Greece's Preliminary Community Development Block Grant Program at the public hearing held at the Town Board's June 15, 2010 meeting:

NOW THEREFORE, be it

RESOLVED, that at the conclusion of the public hearing, the Town Board authorized the adoption of Greece's 2010 Community Development Block Grant Program, for submittal by the Town Supervisor to HUD for that agency's review, and to submit such additional information as may be required by HUD; and

IT IS FURTHER,

RESOLVED, that the Town Supervisor or his designee is authorized to accept Community Development Block Grant Program funds totaling \$452,703, and to execute a contract and any amendments with HUD for the period of August 1, 2010 through July 31, 2011, subject to HUD approval of the submission.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

6:32 P.M. PUBLIC HEARING TO CONSIDER THE REQUEST SUBMITTED BY LA VITA BELLA DANCE CENTER, INC. FOR A SPECIAL USE PERMIT TO OPERATE A GROUP INSTRUCTION FACILITY (DANCE STUDIO), TO BE KNOWN AS LA VITA BELLA DANCE CENTER, ON PROPERTY LOCATED IN PARKWAY COMMONS PLAZA, 4330 – 4370 DEWEY AVENUE AND 1271 LATTA ROAD.

Proof of publication and Affidavit of Posting of Notice was received, read and ordered filed.

Affidavit of compliance with Section 211-37D(2)(a)(5) of the Town of Greece Zoning Ordinance was received and filed.

Danielle Evans, 332 Biscayne Drive

- Dance classes ages 3-adult. Ballet, jazz, tap and some adult specialty classes in Zumba and Yo Pilates.
- Wants to bring awareness of dance to community and raise awareness of health/wellness.
- Plans to have students do community service.

Councilman Conlon

Size of classes? Ans. – Ten per class average starting out. Doesn't plan on classes getting much bigger.

Councilman Bilsky

- Question to Gary Tajkowski, Director of Development Services – What space will it be occupying? Ans. – Previously used as a dance studio.

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- Any known modifications? Ans. – None to site, building or parking lot. Basically none to interior.
- Any Variance necessary? Ans. – No.

Councilman Morris

Will you be the sole instructor or do you have plans to expand? Ans. – Will be main teacher but has two additional certified teachers coming on board.

Supervisor Auburger

Hours of operation? Ans. – Monday through Thursday 2:00 p.m.-10:00 p.m., Friday 2:00 p.m. to 7:00 p.m., Saturday 9:00 a.m. to 2:00 p.m.

Hearing closed.

#202A - Councilman O'Keefe offered the following resolution and moved its adoption:

WHEREAS, La Vita Bella Dance Center, Inc. (the "Project Sponsor") has submitted a request to the Town Board of the Town of Greece, Monroe County, New York (respectively, the "Town Board" and the "Town") for a special use permit to operate a group instruction facility (dance studio), to be known as La Vita Bella Dance Center, on property located in Parkway Commons Plaza, 4370 – 4440 Dewey Avenue and 1271 Latta Road, in a BR (Restricted Business) Zoning District; and

WHEREAS, having considered carefully all relevant documentary, testimonial, and other evidence submitted, the Town Board makes the following findings:

1. In summary, the Project Sponsor's proposal (the "Proposal") is to obtain a special use permit in order to operate a group instruction facility (dance studio) in existing tenant space that previously was used as a dance studio, located at a multiple-tenant commercial plaza (the "Premises"). The Proposal includes instruction to children and adults (principally children) in various forms of dance. In addition, the Proposal includes dance instruction day camps in summer. The Proposal does not include sponsorship of, affiliation with, permission for, or participation in special or recurring events outdoors on the Premises. Vehicular access for the Premises is via non-signalized driveways at Dewey Avenue (Monroe County Route 132/New York State Route 18, a five-lane highway) and at Latta Road (New York State ref 941A, a two-lane highway). The proposed hours of availability to students/clients are: Mondays through Fridays, 12:00 noon to 10:00 p.m.; and Saturdays, 9:00 a.m. to 4:00 p.m.
2. Upon review of the application, the Town Board determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(2) of the SEQRA Regulations).
3. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned information, documentation, testimony, and findings, SEQRA does not require further action relative to the Proposal.

ADOPTED Ayes 5 Auburger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

#202B - Councilman O'Keefe offered the following resolution and moved its adoption:

WHEREAS, La Vita Bella Dance Center, Inc. (the "Applicant") has submitted a request to the Town Board of the Town of Greece, Monroe County, New York (respectively, the "Town Board" and the "Town") for a special use permit to operate a group instruction facility (dance studio), to be known as La Vita Bella Dance Center, on property located in Parkway Commons Plaza, 4370 – 4440 Dewey Avenue and 1271 Latta Road, in a BR (Restricted Business) Zoning District; and

WHEREAS, the Town Board makes the following findings:

1. In summary, the Applicant's proposal (the "Proposal") is to obtain a special use permit in order to operate a group instruction facility (dance studio) in existing tenant space that previously was used as a dance studio, located at a multiple-tenant commercial plaza (the "Premises"). The Proposal includes instruction to children and adults (principally children) in various forms of dance. In addition, the Proposal includes dance instruction day camps in summer. The Proposal does not include sponsorship of, affiliation with, permission for, or participation in special or recurring events outdoors on the Premises. Vehicular access for the Premises is via non-signalized driveways at Dewey Avenue (Monroe County Route 132/New York State Route 18, a five-lane highway) and at Latta Road (New York State ref 941A, a two-lane highway). The proposed hours of availability to students/clients are: Mondays through Fridays, 12:00 noon to 10:00 p.m.; and Saturdays, 9:00 a.m. to 4:00 p.m.
2. Proof was had of the notice of public hearing on a resolution proposing to permit the Applicant to operate said group instruction facility.
3. On June 15, 2008 at 6:32 p.m. in the Greece Town Hall, 1 Vince Tofany Boulevard, the Town Board held a public hearing (the "Hearing") to consider the Proposal, at which time all persons and organizations in interest were heard.
4. Documentary, testimonial, and other evidence relative to the Proposal was presented at the Hearing for the Town Board's consideration.
5. At the conclusion of the Hearing, the Town Board closed the Hearing.
6. Based on the Town Board's review of relevant documentary, testimonial, and other evidence, the location, nature, duration, and intensity of the Proposal: (a) will not adversely affect the orderly pattern of the development in the area; (b) will be in harmony with nearby uses; (c) will not alter the essential character of the nearby neighborhood, nor be detrimental to the residents thereof; (d) will not create a hazard to health, safety, or the general welfare; (e) will not be detrimental to the flow of traffic; and (f) will not place an excessive burden on public improvements, facilities, services, or utilities.
7. Access to the Premises and the size and shape of the Premises are adequate for the Proposal.
8. Having considered the Proposal and all additional information that may be relevant to the Proposal, it is in the public interest to grant the requested special use permit.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned information, documentation, testimony, and findings, pursuant to the authority conferred by New York State Town Law, Article 16, the request submitted by La Vita Bella Dance Center, Inc. (the "Applicant") for a special use permit to operate a group instruction facility (dance studio), to be known as La Vita Bella Dance Center, on property located in Parkway Commons Plaza, 4370 – 4440 Dewey Avenue and 1271 Latta Road, in a BR (Restricted Business) Zoning District, hereby be and the same is approved and granted, subject to the following conditions:

1. The Applicant shall operate this group instruction facility in conformity with all details of the Proposal as presented in the written descriptions and site development plans of the Proposal, as orally described at the Hearing, and as set forth herein. In the event of any conflict among the oral or written descriptions of the Proposal, the site development plans of the Proposal, or the requirements or restrictions of this resolution, the Town Board, in its sole discretion and judgment and without hearing, shall determine the resolution of such conflict.
2. The Applicant shall comply with all requirements of the Code of the Town of Greece, New York, Chapter 211 (the town's zoning ordinance), or any variance granted therefrom, relative to number, size, and location of signs. Failure to comply with these requirements may be grounds for revocation of this special use permit.
3. The maximum occupancy in this group instruction facility shall be the limit established by the Town's Fire Marshal pursuant to the Building Codes of New York State.
4. The Applicant shall comply with all applicable federal, state, county, and town laws, ordinances, codes, rules, and regulations, including but not limited to the *Building Codes of*

New York State. Failure to comply with such requirements may be grounds for revocation of this special use permit.

5. Wherever this resolution refers to a specific applicant, developer, or operator, it shall be construed to include successors and assigns.
6. Wherever this resolution refers to a specific public official or agency, it shall be construed to include successors and assigns.
7. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any superseding or succeeding authority.
8. Upon the sale or other transfer of controlling interest in this group instruction facility to any person or entity other than La Vita Bella Dance Center, Inc., its wholly owned subsidiaries, or its franchisees, a new application for a special use permit must be submitted to the Town Board.

ADOPTED Ayes 5 Auberger, O'Keefe, Conlon, Helfer, Morris
 Nays 0

6:35 P.M. PUBLIC HEARING TO CONSIDER THE REQUEST SUBMITTED BY CHRISTOPHER SEELEY FOR A SPECIAL USE PERMIT TO OPERATE A RESTAURANT, TO BE KNOWN AS BAR B QUE FRED, ON PROPERTY LOCATED IN NORTH GREECE PLAZA, 610 NORTH GREECE ROAD.

Proof of publication and Affidavit of Posting of Notice was received, read and ordered filed.

Affidavit of compliance with Section 211-37D(2)(a)(5) of the Town of Greece Zoning Ordinance was received and filed.

Chris Seeley, AKA "Bar B Que Fred", 479 Wilder Road, Hilton, New York

Has worked in the food business in Greece. Will comply with all rules, regulations and code.

Councilman Morris

- Previously used as a restaurant, correct? Ans. – Yes. No real changes to the interior; just new menu.
- How many employees? Ans. – Hopefully the one who is there now plus a few friends and family members.
- Hours of operation? Ans. – Tuesday through Sunday 6:00 a.m. to 8:00 p.m.
- Is it your intention to have a drive-up? Ans. – No, just take-out and minimal eat in. No table service; just a couple of tables and chairs.
- Any live entertainment? Ans. – No.
- Any alcohol served? Ans. – No.
- Any outdoor seating? Ans. – No.
- Is the nature of the business to also have off-site catering? Ans. – Yes. I will have a smoker on a trailer.
- No cooking outside? Ans. – All cooking done indoors.

Hearing closed.

#203A - Councilman Morris offered the following resolution and moved its adoption:

WHEREAS, Christopher A. Seeley (the "Project Sponsor") has submitted a request to the Town Board of the Town of Greece, Monroe County, New York (respectively, the "Town Board" and the "Town") for a special use permit to operate a restaurant, to be known as Bar B Que Fred Restaurant & Catering, on property located in North Greece Plaza, 610 North Greece Road, in a BR (Restricted Business) Zoning District; and

WHEREAS, having considered carefully all relevant documentary, testimonial, and other evidence submitted, the Town Board makes the following findings:

1. In summary, the Project Sponsor's proposal (the "Proposal") is to obtain a special use permit in order to operate a restaurant and catering service in tenant space that previously was used as a restaurant, at an existing multiple-tenant commercial plaza (the "Premises"). The Proposal includes preparation, service, and sale of lunch-type foods (such as hot and cold sandwiches, side dishes, soups, salads, and beverages). The Proposal does not include live entertainment; the preparation, service, or sale of alcoholic beverages; outdoor seating or loudspeakers; outdoor cooking or preparation of food or beverages; delivery service; or a drive-up service window. The Proposal does not include sponsorship of, affiliation with, permission for, or participation in one-time or recurring special or promotional events outdoors on the Premises. Vehicular access for the Premises is via non-signalized driveways at North Greece Road (Monroe County Route 144, a two-lane highway). The proposed hours of availability to the public are: Sundays through Saturdays, 8:00 a.m. to 8:00 p.m.
2. Upon review of the Proposal, the Town Board determined that the Proposal is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the Proposal constitutes a Type II action under SEQRA. (See § 617.5(c)(26) of the SEQRA Regulations).
3. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned information, documentation, testimony, and findings, SEQRA does not require further action relative to the Proposal.

ADOPTED Ayes 5 Auberger, O'Keefe, Bilsky, Conlon, Morris
 Nays 0

#203B - Councilman Morris offered the following resolution and moved its adoption:

WHEREAS, Christopher A. Seeley (the "Applicant") has submitted a request to the Town Board of the Town of Greece, Monroe County, New York (respectively, the "Town Board" and the "Town") for a special use permit to operate a restaurant, to be known as Bar B Que Fred Restaurant & Catering, on property located in North Greece Plaza, 610 North Greece Road, in a BR (Restricted Business) Zoning District; and

WHEREAS, having considered carefully all relevant documentary, testimonial, and other evidence submitted, the Town Board makes the following findings:

1. In summary, the Applicant's proposal (the "Proposal") is to obtain a special use permit in order to operate a restaurant and catering service in tenant space that previously was used as a restaurant, at an existing multiple-tenant commercial plaza (the "Premises"). The Proposal includes preparation, service, and sale of lunch-type foods (such as hot and cold sandwiches, side dishes, soups, salads, and beverages). The Proposal does not include live entertainment; the preparation, service, or sale of alcoholic beverages; outdoor seating or loudspeakers; outdoor cooking or preparation of food or beverages; delivery service; or a drive-up service window. The Proposal does not include sponsorship of, affiliation with, permission for, or participation in one-time or recurring special or promotional events outdoors on the Premises. Vehicular access for the Premises is via non-signalized driveways at North Greece Road (Monroe County Route 144, a two-lane highway). The proposed hours of availability to the public are: Sundays through Saturdays, 8:00 a.m. to 8:00 p.m.
2. Proof was had of the notice of public hearing on a resolution proposing to permit the Proposal.
3. On June 15, 2009, at 6:35 p.m. in the Greece Town Hall, 1 Vince Tofany Boulevard, the Town Board held a public hearing (the "Hearing") to consider the Proposal, at which time all persons and organizations in interest were heard.
4. Documentary, testimonial, and other evidence relative to the Proposal were presented at the Hearing for the Town Board's consideration.
5. At the conclusion of the Hearing, the Town Board closed the Hearing.

6. Based on the Town Board's review of relevant documentary, testimonial, and other evidence, the location, nature, duration, and intensity of the Proposal: (a) will not adversely affect the orderly pattern of development in the area; (b) will be in harmony with nearby uses; (c) will not alter the essential character of the nearby neighborhood, nor will it be detrimental to the residents thereof; (d) will not create a hazard to health, safety or the general welfare; (e) will not be detrimental to the flow of traffic; and (f) will not place an excessive burden on public improvements, facilities, services, or utilities.
7. Access to the Premises and the size and shape of the Premises are adequate for the Proposal.
8. Having considered the Proposal and all additional information that may be relevant to the Proposal, it is in the public interest to grant the requested special use permit.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned information, documentation, testimony, and findings, pursuant to the authority conferred by New York State Town Law, Article 16, the request submitted by Christopher A. Seeley (the "Applicant") for a special use permit to operate a restaurant, to be known as Bar B Que Fred Restaurant & Catering, on property located in North Greece Plaza, 610 North Greece Road, in a BR (Restricted Business) Zoning District, hereby be and the same is approved and granted, subject to the following conditions:

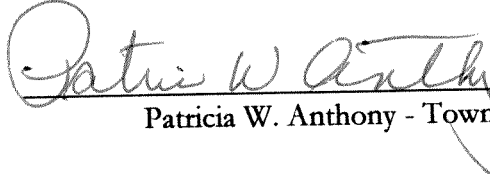
1. The Applicant shall operate this restaurant in conformity with all details of the Proposal as presented in the written descriptions and site development plans of the Proposal, as orally described at the Hearing, and as set forth herein. In the event of any conflict among the oral or written descriptions of the Proposal, the site development plans for the Proposal, or the requirements or restrictions of this resolution, the Town Board, in its sole discretion and judgment and without public hearing, shall determine the resolution of such conflict.
2. The Applicant shall comply with all requirements of the *Code of the Town of Greece, New York*, Chapter 211 (the Town's zoning ordinance), or any variance granted therefrom, relative to number, size, and location of signs. Failure to comply with such requirements may be grounds for revocation of this special use permit.
3. The maximum occupancy in this restaurant shall be the limit established by the Town's Fire Marshal pursuant to the *Building Codes of New York State*.
4. The Applicant shall comply with all applicable federal, state, county, and town laws, ordinances, codes, rules, and regulations, including but not limited to the *Building Codes of New York State* and all applicable requirements for the installation/maintenance of a grease trap. Failure to comply with such requirements may be grounds for revocation of this special use permit.
5. The Applicant shall not use any of the Premises for any adult bookstore, adult cabaret or adult entertainment establishment as such terms are defined by the Town's zoning ordinance; any illegal, unlawful, or lewd and lascivious activity; or for the sale or display of pornographic materials. Failure to comply with this requirement may be grounds for revocation of this special use permit.
6. On a regular, routine basis, the Applicant shall manage and clean up trash or litter that originates from this restaurant, or their customers. The areal limits of the Applicant's responsibility in this requirement shall be the Premises.
7. Within 4 months, 12 months, 18 months, and 24 months of the date of this approval and annually thereafter, the Town Board or its designee may review, without public hearing, the operation of this restaurant and its compliance with the terms and conditions of this special use permit.
8. The Town Board may revoke this special use permit pursuant to the provisions in the *Code of the Town of Greece, New York*, Chapter 211 (the Town's zoning ordinance), if the Town Board determines, in its sole discretion and judgment, that it has received sufficient complaints and other evidence that the Applicant has failed to operate this restaurant in conformity with the terms and conditions of this special use permit.
9. Wherever this resolution refers to a specific applicant, developer, or operator, it shall be construed to include successors and assigns.

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held June 15, 2010 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

10. Wherever this resolution refers to a specific public official or agency, it shall be construed to include successors and assigns.
11. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any superseding or succeeding authority.
12. Upon the sale or other transfer of controlling interest in this restaurant to any person or entity other than Christopher A. Seeley, his wholly owned subsidiaries, or his franchisees, a new request for a special use permit must be submitted to the Town Board.

ADOPTED Ayes 5 Auberger, O'Keefe, Conlon, Helfer, Morris
Nays 0

Meeting adjourned at 7:02 p.m.


Patricia W. Anthony - Town Clerk

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Town of Greece
2010 Budget Modifications
06/15/2010 Agenda

Action	Account	Amount
1.) Increase Appropriations	A.3120.0004.445-Asset Forfeiture	\$ 31.97
Increase Revenue	A.4320-Federal-Public Safety	\$ 31.97
To Appropriate US DOJ Asset Forfeiture Funds Interest 05/01-05/31/10		
2.) Increase Appropriations	A.3650.102,802,807-Code Compliance	\$ 11,895.22
Increase Revenue	A.1570-Code Compliance	\$ 11,895.22
To Reconcile PP 9-11 Code Compliance Expenditures		
3.) Transfer From	A.1430.101-Personnel, Personnel Services	\$ 2,500.00
Transfer To	A.1430.412-Software	\$ 2,500.00
To Provide Funding For Personnel Processing Software License/Maintenance Agreement-2010		

SCRAPPED ITEMS
DEPARTMENT OF PUBLIC WORKS
JUNE 15, 2010 TOWN BOARD

<u>ITEM</u>	<u>SERIAL NUMBER</u>	<u>REASON</u>
Fellowes Laminator	0015003	Inoperative
Brother Intellifax	K71553202	Inoperative – no value
Telephones x3		Inoperative – no value
High Back Office Chair		Worn out – no value